

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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PLANNED PARENTHOOD OF NEW YORK
CITY, INC.,

Plaintiff,

-against-

U.S. DEPARTMENT OF HEALTH AND
HUMAN SERVICES; ALEX MICHAEL AZAR,
II, in his official capacity as Secretary of the
U.S. Department of Health and Human Services;
VALERIE HUBER, in her official capacity as
Senior Policy Advisor for the Office of the
Assistant Secretary for Health at the U.S.
Department of Health and Human Services,
Defendants.

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18 CIVIL 5680 (NRB)

JUDGMENT

It is hereby **ORDERED, ADJUDGED AND DECREED:** That for the reasons stated in the Court's Memorandum and Order dated August 30, 2018, Plaintiff's motion for summary judgment is granted as to the 2018 Tier 1 FOA because the evaluative tools that applicants for Tier 1 grants must "replicat[e]" are not "programs" and have not "been proven effective through rigorous evaluation," as required by the statute. Plaintiff's motion for summary judgment is denied as to the 2018 Tier 2 FOA. Defendants' motion to dismiss is denied, and their cross-motion for summary judgment is denied as to the 2018 Tier 1 FOA and granted as to the 2018 Tier 2 FOA. Defendants are permanently enjoined from using the 2018 Tier 1 FOA as the basis for awarding or disbursing TPP Program funds; accordingly, the case is closed.

Dated: New York, New York
August 31, 2018

RUBY J. KRAJICK

Clerk of Court

BY:

Kmango

Deputy Clerk